



THE MARYLAND GENERAL ASSEMBLY  
ANNAPOLIS, MARYLAND 21401-1991

JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW

**Memorandum**

**To:** Members of the AELR Committee  
Standing Committee Chairs

**From:** Marie H. Razulis, AELR Committee Counsel  
George H. Butler, Jr., AELR Committee Counsel  
Crystal L. Lemieux, AELR Committee Counsel

**Date:** May 6, 2016

**Re:** **Synopses of Regulations received from 4/25/2016 through 5/5/2016**

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Enclosed please find synopses of regulations received by the AELR Committee during the weeks noted above.

The Office of Policy Analysis prepares analyses of the regulations to determine if there are any problem areas, to ensure that the regulations comply with statutory authority and legislative intent, and to assess the fiscal impact of the regulations. If any regulation is of particular interest to you, please feel free to contact us at 410-946-5350 and we will supply you with a copy of the regulation along with the legal and fiscal analysis.

/catz

cc: Victoria L. Gruber  
Alexandra M. Hughes

**Health and Mental Hygiene, Department of**

**Proposed Regulation**

**DLS Control No. 16-057**

**Department of Health and Mental Hygiene:**

**Hospitals:**

**Comprehensive Care Facilities and Extended Care Facilities:** COMAR 10.07.02.05

According to the department, the purpose of this action is to add the requirement that the Department of Health and Mental Hygiene conduct a site visit and survey of each licensed nursing home at least once per year.

**Proposed Regulation**

**DLS Control No. 16-061**

**Department of Health and Mental Hygiene:**

**Alcohol and Drug Abuse Administration:**

**Substance Abuse Treatment Outcomes Partnerships - (S.T.O.P.) Fund:**

COMAR 10.47.06.02-.04

According to the department, the purpose of this action is to (1) modify the meaning of eligible populations; (2) modify applicant requirements for funding; (3) repeal task force requirement; (4) define eligible functions; and (5) clarify when funds may be continued or expanded for eligible functions.

**Proposed Regulation**

**DLS Control No. 16-063**

**Department of Health and Mental Hygiene:**

**Tissue Banks:**

**Tissue Banks:** COMAR 10.50.01.04

According to the department, the purpose of this action is to amend and update the edition of the following incorporated by reference documents (1) Standards for Tissue Banking and (2) Standards for Blood Banks and Transfusion Services.

**Proposed Regulations**

**DLS Control No. 16-065**

**Department of Health and Mental Hygiene:**

**Board of Physicians:**

**Licensure of Perfusionists:** COMAR 10.32.20.03, .08-.10, .15, .17 and .18

According to the department, the purpose of this action is to (1) amend the civil fine authority of the Board of Physicians; (2) alter the circumstances for reinstatement; (3) provide for an extension of a temporary license prior to taking the national certifying examination; and (4) alter

the membership requirements of the Perfusion Advisory Committee resulting from the enactment of HB 692-Maryland Perfusion Act-Revisions, Chapter 609 of 2014.

**Labor, Licensing and Regulation, Department of**

**Emergency/Proposed Regulations**

**DLS Control No. 16-064**

**Department of Labor, Licensing, and Regulation:**

**Racing Commission:**

**Prohibited Acts:** COMAR 09.10.03.01-1

According to the department, the purpose of this emergency action is to (1) add four therapeutic medications that would otherwise not be permitted to be present in a horse's system on race day provided the amount of medication does not exceed the stated threshold and (2) to alter an existing threshold on two previously approved therapeutic medications.

The thresholds being proposed have been adopted by other States in the Mid-Atlantic area. To be consistent, the Racing Commission is requesting that these thresholds be adopted as quickly as possible to maintain consistency in the Mid-Atlantic racing states.

**Natural Resources, Department of**

**Proposed Regulation**

**DLS Control No. 16-066**

**Department of Natural Resources:**

**Forest and Parks:**

**Forest Management Programs:** COMAR 08.07.03.01, .02, .03, and .04

According to the department, the purpose of this action is to update the references to the state agency.

**Insurance Administration, Maryland**

**Proposed Regulation**

**DLS Control No. 16-055**

**Maryland Insurance Administration:**

**Insurers:**

**Form Filings Under Maryland Insurance Acquisitions Disclosure and Control Act:**

COMAR 31.04.18.02-.14

According to the administration, the purpose of this action is to implement the statutory changes to §§7-101 et seq. and 2-209.1 of the Insurance Article, designed to conform to the

National Association of Insurance Commissioners' (NAIC) Insurance Company Holding Company System Regulatory Act (Model 440). The purpose of this reproposal is to:

- amend proposed Regulation .02B(8), which defines "Form C," to carve out the reference to Regulation .11 of this chapter, as the contents of Regulation .11 are not covered in a Form C;
- amend proposed Regulation .02B(10), which defines "Form E," to include a reference to §7-403(a) of the Insurance Article, as a Form E may be filed pursuant to this statute;
- amend proposed Regulation .04A to correct a typographical error (change "forms" to "format");
- amend proposed Regulation .07B to correct a technical format error in the reference to the Insurance Article;
- amend proposed Regulation .08A to add the phrase "and provide a copy to the domestic insurer," consistent with § 7-304 of the Insurance Article;
- amend proposed Regulation .09B to add the phrase "Unless extended by the Commissioner for good cause," consistent with § 7-602 of the Insurance Article;
- Omit proposed Regulation .09C, as the drafting note to Section 16 of the NAIC Model Regulation provides that if Section 5A(2) of the Model Act has been adopted, this provision may be omitted. Section 5A(2) of the Model Act is codified at § 7-703 of the Insurance Article;
- amend proposed Regulation .09D to fix an inaccurate cross reference;
- amend proposed Regulation .13A to add the phrase "Unless extended by the Commissioner for good cause," consistent with § 7-603 of the Insurance Article; and
- amend proposed Regulation .14B(4)(c)(i) and (ii) to move the phrase "for the 12 month period ending December 31 of the preceding year" such that this phrase modifies only "realized capital gains," consistent with § 7-606 of the Insurance Article.

**Proposed Regulation**

**DLS Control No. 16-056**

**Maryland Insurance Administration:**

**Health Insurance - General:**

**Private Review Agents: COMAR 31.10.21.03**

According to the administration, the purpose of this action is to repeal the requirement in Regulation .03A that a private review agent shall submit any revisions or modifications of specific criteria to the Commissioner at least 10 days before using the modified specific criteria and standards. This filing requirement is derived from § 15-10B-05(b) of the Insurance Article, which has been repealed by Chapter 121 of 2016 (House Bill 798).

**Public Service Commission**

**Proposed Regulation**

**DLS Control No. 16-059**

**Public Service Commission:**

**Service Supplied by Gas Companies:**

**Customer Relations:** COMAR 20.55.04.01-2, and .05

According to the commission, the purpose of this action is to establish new regulations that will provide protections in instances where a customer is attempting to reconnect service after it is denied due to meter tampering.

**Proposed Regulation**

**DLS Control No. 16-060**

**Public Service Commission:**

**Service Supplied by Electric Companies:**

**Customer Relations:** COMAR 20.50.04.01-2, and .05

According to the commission, the purpose of this action is to establish new regulations that will provide protections in instances where a customer is attempting to reconnect service after it is denied due to meter tampering.

**Proposed Regulations**

**DLS Control No. 16-062**

**Public Service Commission:**

**Terminations of Services:**

**General Regulations:** COMAR 20.31.01.02

**Terminations:** COMAR 20.31.02.03, and .07

According to the commission, the purpose of this action is to amend and establish new regulations that will provide additional termination of service notice provisions in certain circumstances that will better service customers, the utilities and the Commission.